



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 897-00
17 July 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the characterization of his discharge be changed.

2. The Board, consisting of Mr. Brezna, Mr. Kastner, and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 11 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 12 August 1948 at the age of 17. Petitioner served for more than two years without incident.

d. Petitioner was granted emergency leave from 19 October to 27 November 1950 due to the sickness of his grandfather. While on leave, Petitioner's grandfather died. Petitioner remained

over leave in an unauthorized absence status, to attend his grandfather's funeral services. Eight days later, on 6 December 1950, Petitioner voluntarily returned to his duty station.

e. Subsequently, Petitioner requested a dependency discharge to care for his physically ill mother who could no longer financially support herself.

f. Petitioner's record contains an offenses and punishments (page 12) entry dated 26 February 1951, which notes, in part, that no punishment was awarded for Petitioner's eight days of unauthorized absence from 28 November to 6 December 1950, and that he would remain on restriction pending his discharge by reason of dependency.

g. On 1 March 1951 Petitioner was issued a general discharge under honorable conditions by reason of dependency. At the time of his discharge Petitioner's proficiency and conduct averages were both 4.1. At the time of his separation a proficiency mark of 5.0 and a conduct marks of 4.0 were required for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board initially notes Petitioner's eight day period of unauthorized absence and does not condone his infraction. However, the Board is aware of the reason for Petitioner's absence, and that the command did not believe that it warranted disciplinary action. The Board also notes Petitioner's period of good service and satisfactory conduct marks. The Board is aware that Petitioner's proficiency average of 4.1 was insufficiently high to warrant a fully honorable discharge, but believes the conduct average is a more important in deciding Petitioner's discharge. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to a fully honorable discharge is appropriate. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 1 March 1951 vice an issued the general discharge under honorable conditions on the same day.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 4 February 2000.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director